

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of)

The Use of N11 Codes and Other)
Abbreviated Dialing Arrangements)

CC Docket No. 92-105

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FURTHER COMMENTS

BellSouth Corporation and BellSouth Telecommunications, Inc., by counsel, hereby comment on the request by the Office of Community Oriented Policing Services, United States Department of Justice ("DOJ"), that 311 be reserved on a national basis for use by communities for non-emergency police telephone calls.¹

PROCEDURAL BACKGROUND

On March 6, 1992, BellSouth filed a petition for declaratory ruling asking the Commission to declare that assignment of certain three-digit codes for access to local pay per call type information services would be consistent with the Communications Act and Commission policies. On May 4, 1992, the Commission's General Counsel informed BellSouth that "there appears to be no regulatory or legal impediment prohibiting BellSouth from currently assigning N11 codes in a reasonable, non-discriminatory manner, i.e., such as the use of first-come, first-serve

¹Pleading Cycle Established for Request of the United States Department of Justice That 311 be Reserved for use by Communities for Non-Emergency Police Telephone Calls, Public Notice DA 96-1500 (Sep. 10, 1996).

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procedures.² On that same date, the Commission issued its Notice of Proposed Rulemaking in this proceeding. In its Notice, the Commission advised that it would not act further on BellSouth's petition and that any such N11 assignments would be subject to the outcome of any rules adopted in this proceeding.³ The Commission tentatively concluded that 211, 311, 511 and 711 should be available for abbreviated dialing and that 611 and 811 should also be available at least wherever an exchange carrier does not currently use those codes for the purposes permitted by Bellcore.⁴ The Commission also tentatively concluded that N11 codes should be available for abbreviated dialing unless and until it becomes necessary to use these codes as area codes.⁵

BELLSOUTH'S DEVELOPMENT OF N11 SERVICE

In the intervening years, BellSouth has made N11 available as a tariffed, local calling area based service to information service providers in the states of Georgia, Florida, Kentucky, Louisiana, Tennessee and Alabama. "311" has been assigned to information service providers, and is currently in service, in the following local calling areas:

Albany, Georgia	Jacksonville, Florida
Athens, Georgia	Melbourne, Florida
Atlanta, Georgia	Miami, Florida
Augusta, Georgia	Orlando, Florida
Savannah, Georgia	West Palm Beach, Florida

²Letter from Robert L. Pettit, FCC General Counsel, to David J. Markey, Vice President, BellSouth (May 4, 1992).

³Notice of Proposed Rulemaking, FCC 92-203, CC Docket No. 92-105 (May 6, 1992).

⁴*Id.* at ¶ 12. The Commission did not "propose to disturb the use of 911 for emergency services or the use" of 411 for directory information services that are classified as basic or adjunct to basic services. *Id.* at ¶ 11.

⁵*Id.* at ¶ 13.

In addition, 311 has been assigned to a private ambulance service in the state of Louisiana. This private ambulance service uses its 311 number in all four LATAs Louisiana, but not in every exchange within these LATAs. Finally, 311 has been assigned to an information service provider for use in all exchanges in Alabama (except Mobile) in which BellSouth offers N11 service. BellSouth has not yet received a firm order to activate service from this information service provider.

There are no "spare" N11 codes in Atlanta, Fort Lauderdale or Miami. Therefore, if the Commission grants the pending request to reserve "311" on a nationwide basis, current 311 code holders in these areas will have no immediate N11 alternative. Even though these customers purchased these services with the express understanding that their codes were subject to recall, the Commission should consider the impact that an immediate grant of the instant request would have on these customers' investment in equipment and advertising, as well as their revenues.

I. THE COMMISSION SHOULD DIRECT THE APPROPRIATE INDUSTRY NUMBERING COMMITTEE TO INVESTIGATE THE FEASIBILITY OF PROVIDING NON-EMERGENCY NATIONWIDE 311 SERVICE.

BellSouth urges the Commission to be cautious in analyzing the DOJ request. As

BellSouth has pointed out to this Commission on numerous occasions:

Even in certain circumstances where an N11 dialing arrangement might have certain superficial appeal, its costs and complexities might render that particular application to be the non-optimal solution to the perceived need. Worse, any limitation or reservation of N11 codes for specific, non-optimal applications carries a hidden cost. Other applications, while not having the same superficial appeal, might make more efficient use of the particular resource.⁶

⁶See Requests of Federal Agencies and Others for the Assignment of N11 Codes, IAD File No. 94-101, BellSouth Comments, filed August 19, 1994, and BellSouth Reply Comments, filed September 23, 1994; Use of N11 Codes for Access to Telecommunications Relay Services, IAD (Continued...)

There is certainly appeal in a “national community policing number for nonemergency calls that ‘will be as easy to use and remember as 911.’”⁷ Nevertheless, the instant request would allow actual use of 311 to be “at the discretion of the jurisdiction” to include other government service calls in addition to police calls.⁸ BellSouth has previously demonstrated why N11 codes are not technically and economically best suited for nationwide and statewide applications, and has opposed assignment of specific N11 codes to specific requesting entities on this basis.⁹

It appears here that the Department of Justice is not requesting an assignment to the Department for a nationwide use. Rather, the Department appears to be requesting that 311 be reserved nationwide, thus preventing any further commercial use of this numbering resource, for eventual use by local communities for non-emergency police use or any other public service at the discretion of the local government. BellSouth urges the Commission to assign this issue to the appropriate industry committees such as the Industry Numbering Committee (“INC”) and the Ordering and Billing Forum (“OBF”) in order to resolve such issues as the scope of 311 coverage (local, national, or regional), the different types of network and billing architecture required for such coverage, and associated technical and feasibility issues.¹⁰ Industry committees should also

File No. 93-02, BellSouth Comments, filed November 22, 1993, and BellSouth Reply Comments, filed December 8, 1993.

⁷ *Supra* n.1 at p. 2.

⁸ *Id.*

⁹ *Supra* n.6.

¹⁰ On August 2, 1996, Pacific Bell submitted “Issue #95 to the INC’s NPA workshop containing the following issue statement:

(Continued...)

be directed to consider whether the volume of non-emergency calls to 911 is truly a nationwide problem or whether the problem is limited to a few jurisdictions, and whether such calls can, to a large degree, be controlled by community education programs such as the National Emergency Number Association's ("NENA") "Red E. Fox" program. Such public education programs help the community, especially children, understand when a call to 911 is appropriate. If the appropriate industry committees determine that it would be in the public interest to reserve 311 nationwide, the Commission should then publish that determination for public notice and comment.¹¹

If the Commission is reluctant to assign this issue to INC, it should initiate a notice of inquiry, either in this proceeding or in a separate proceeding, to define the scope of such 311 service. At a minimum, BellSouth suggests that the Commission conclude that non-emergency 311 police communications access only be made available in communities that already feature 911 service, in order to avoid any possible public confusion over the appropriate use of 311. Finally, with respect to the government recall of an N11 number that has been assigned and is in service

During a recent press conference the President of the U.S. noted that there is a need for an abbreviated, easy to remember number for non-critical or non-emergency calls to police/emergency to free up response to E911 critical emergency calls.

Pacific Bell suggested that the INC should investigate the feasibility of the allocation of a numbering resource to be used for access to non-critical/non-emergency services to police/emergency departments. BellSouth understands that this issue was "tabled" following the Commission's Public Notice that is the subject of these comments. The Commission might direct the INC to resume consideration of this issue, and to consider as well the DOJ request.

¹¹The Commission recently took similar action with respect to the issue of the portability of non-geographic numbers. In the Matter of Telephone Number Portability, First Report and Order and Further Notice of Proposed Rulemaking, FCC 96-286, CC Docket No. 95-116 at ¶ 198 (July 2, 1996).

today, BellSouth urges the Commission to clarify that whenever an N11 customer is required to relinquish its N11 code in response to FCC or local government action, the displaced customer may be given preference with respect to any remaining unassigned N11 codes or, where there are no N11 codes available, may be given preference for the next available N11 code assignment.

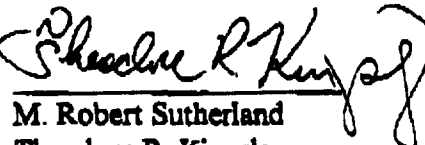
CONCLUSION

The Commission should assign to the appropriate industry committees the task of evaluating the DOJ request with a view toward recommending to the Commission whether nationwide reservation of 311 represents the best use of the N11 service.

Respectfully submitted,

BELLSOUTH CORPORATION
BELLSOUTH TELECOMMUNICATIONS, INC.

By:



M. Robert Sutherland
Theodore R. Kingsley

Their Attorneys

Suite 1700
1155 Peachtree Street, N.E.
Atlanta, Georgia 30309-3610
(404) 249-3392

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